

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

C.B.S., a minor by his mother and
guardian, Stephanie Hope Smith, and
Stephanie Hope Smith, individually,

COMPLAINT

Plaintiffs,

v.

United States of America,

Defendant.

I

JURISDICTION

This action arises under the Federal Tort Claims Act, 28 USC §§ 2671-2680.

This Court is vested with jurisdiction pursuant to 28 USC § 1346(b).

II

VENUE

The acts and omissions complained of in this Complaint occurred in the City of St. Louis Park, County of Hennepin, State of Minnesota which is within the Fourth Division of the District of Minnesota.

III

CAUSES OF ACTION

On June 19, 2018, at approximately 2:15 p.m., plaintiffs Stephanie Smith and her minor child, C.B.S., were traveling southbound in the center lane of Highway 100 at Cedar Lake Road in the City of St. Louis Park, Minnesota. At the same time, David Jerome Lodermeier, an employee of defendant, was operating a United States postal truck in the course and scope of his employment with defendant. At that time and

place, David Jerome Lodermeier rear ended Plaintiffs' vehicle, causing a violent collision. The crash was caused by David Jerome Lodermeier's negligence to wit; David Jerome Lodermeier failed to keep a proper lookout; he failed to keep defendant's vehicle under reasonable control; and he violated United States Postal Service rules and regulations applicable to the operations of Defendant's vehicles. Defendant is vicariously liable for David Jerome Lodermeier's causal negligence. Additionally, defendant is liable for other acts and omissions on the part of David Jerome Lodermeier.

IV

As a result of this crash, plaintiff Stephanie Smith was injured, has in the past and will in the future suffer pain and disability, has in the past and will in the future incur medical expenses, has in the past and will in the future suffer loss of earnings and impairment of earning capacity, and has been otherwise injured.

V

As a result of this crash, minor plaintiff C.B.S. was injured, has in the past and will in the future suffer pain and disability, has in the past and will in the future incur medical expenses, has in the past and will in the future suffer loss of earnings and impairment of earning capacity, and has been otherwise injured.

VI

That on the 1st day of April, 2020, plaintiffs Stephanie Smith and C.B.S. filed a claim with the United States Postal Service, an agency of the United States. The Postal Service has not responded to Plaintiffs' claim.

VII

WHEREFORE, plaintiff Stephanie Smith requests judgment against defendant United States of America as follows:

1. For compensatory damages, and damages for the care of her minor child, the sum of Two Million Dollars (\$2,000,000.00);
2. Interest as allowed by law;
3. Costs of suit;
4. Such other and further relief as the Court may deem just and proper.

VIII

WHEREFORE, plaintiff C.B.S. requests judgment against defendant United States of America as follows:

1. For compensatory damages, the sum of Two Million Dollars (\$2,000,000.00);
2. Interest as allowed by law;
3. Costs of suit;
4. Such other and further relief as the Court may deem just and proper.

SCHWEBEL GOETZ & SIEBEN, P.A.

Date: 7/22/2021

By: /s/ Max H. Hacker
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